

# **U.S. ARMY RESEARCH OFFICE**

## **BROAD AGENCY ANNOUNCEMENT**

**W911NF-06-R-0002**



**2006 PATHOGEN/TOXIN CONCENTRATION  
SYSTEMS FOR WATER MONITORING**

**BROAD AGENCY ANNOUNCEMENT**

**November 2005**

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## **I. INTRODUCTION**

1.1. The purpose of this Broad Agency Announcement (BAA) is to solicit proposals for pathogen/toxin concentration systems. Full and partial solutions will be considered and evaluated. These pathogen/toxin concentration systems must be regulatory compliant, robust, and highly effective at a reasonable cost. Successful candidates must have a clear path to regulatory approval, production and end user utility. They must all be amenable to use in a military environment.

1.2. This BAA is focused on developing pathogen/toxin concentration systems technologies that will meet or exceed performance and protection specifications. Additionally, research that will provide faster, more efficient recovery, reduced disposables, reduced costs; and smaller physical footprint are coveted.

## **II. FUNDING OPPORTUNITY DESCRIPTIONS**

### **A. Overview**

1.1. Proposals are being sought in basic and applied research in the following research areas:

Pathogen/toxin systems technologies that capture, concentrate and recover trace quantities.

1.2. The Department of Defense is requesting proposals for pathogen/toxin concentration systems. Pathogen/toxin concentration systems technologies that can meet the full specifications will be evaluated. The system must capture, concentrate and recover trace quantities of pathogens (bacteria, bacterial spores, viruses, and parasites) and toxins (of biological origin) from complex water supplies. Water supplies include source and product waters. Source waters include environmental waters such as surface (lake, river, brackish, marine), ground (aquifer, springs) and reservoir. Product waters include municipal tap water, well water, and military field water. Military field water is represented by reverse osmosis water that contains two to five parts-per-million residual chlorine. Recovered concentrate must be suitable for presentation to a sensor. Some sensor examples include lateral flow immunoassay, optical spectrometers, ion mobility spectrometers, and mass spectrometers. Systems that have integrated recovery and detection are desirable, but not exclusive. Systems that can concentrate and recover chemicals (pesticides, toxic industrial chemicals) AND biological contaminants are attractive.

The ultimate goal of this solicitation is to develop a system that meets the following Minimum Requirements:

- Size/Weight: man portable, less than 50 pounds
- Concentration factors of 1:100000.
- Reduce 100000 liters to 80 milliliters in 10 minutes
- 98% recovery of trace contamination; an academic example might be 10 spores per liter in 10000 liters.
- Self-check for system integrity. An example might be pressure gauges with alarms.
- The system should provide easy access to recovered concentrate for detection and archive. Automated delivery to sensor and archive collection vial is desired with option for manual operation.
- Self-contained fluid pathways that are easy to clean, disinfect and discard. Self-containment will provide a barrier that separates contaminated water from human operator. An example system might use a peristaltic pump. The pump draws the water through tubing and is contained by the tubing. The contaminated water remains within the tubing and filtration unit during concentration.

1.3 Research and/or development efforts are sought that will lead to viable technology maturity levels that exceed existing commercial-off-the-shelf (COTS) capabilities. The technology can be either an integrated system, or can be based upon high performance component parts, that include but are not limited to: throughput peristaltic pumps, high performance filters, specialty tubing. Examples of some methods/technologies include but are not limited to tangential flow ultrafiltration, solid phase microextraction, centrifugation, electrophoresis, and field flow fractionation. It is expected that concentration systems will be scaled up or down depending on volumes of water that need to be processed. An example comparison table is provided below. Please provide performance estimates for 3 designs that can process from 100 liters to 100,000 Liters. Note that dimension, weight, power, etc. can vary with each design. The proposal should provide trade-off information for the technology development.

	Dimension height x width x depth (inches)	Weight (lbs)	Pwr	Pump	Types of water that can be used	Time: Volume per minutes	Conc Factor	Percent Recovery	Comments
Design 1 (100L)									
Design 2 (50000L)									
Design 3 (100000L)									

1.4. All submitted proposals should at a minimum possess all of the following information;

- Comments: Is the system self contained? Estimated development cost and end item cost (\$). Ease of use. Is there automated concentrate delivery to sensor and archive vial?
- Percent Recovery: A small quantity of agent is added to water. What percent of the initial quantity can be recovered from water by the proposed concentration system?
- Concentration Factor: What will the concentration factor be? 1:100, 1:1000, 1:100000 as examples.
- Time: How many liters of water can be processed per minute?
- Types of Water than can be used: List water types system will work with, tap, military field, marine, lake, reservoir, etc.
- Pump: what is the mechanism to move water through the system for concentration? Peristaltic, push pump, electromagnetic, MEMS, etc.
- Power: what type of power will system need? batteries? generator? wall plug?
- Weight: how much will the final (end item) system weigh?
- Dimension: height (inches) x width (inches) x depth (inches)

### III. INFORMATION FOR OFFERORS

**Overview:** The solicitation is specifically for experimental and theoretical development of technologies for pathogen/toxin concentration systems as described in Section II. Potential offerors are advised to read this announcement carefully. It explains the agencies' research needs upon which the topic is based and the terms and conditions of the solicitation.

## **A. General Information**

Through this solicitation the Army Research Office (ARO) expects to make several awards for one to two year performance periods, subject to the availability of appropriations. Awards may be made as contracts, grants, or cooperative agreements. Single-year, stand-alone proposals are encouraged; multi-year proposals will be considered. The government reserves the right to make single or multiple awards under this BAA and all awards will be limited to \$1M per year. The total for all awards is expected to be approximately \$15 million.

## **B. Eligibility**

1.1. Proposals may be submitted by degree-granting universities, nonprofit organizations, or industrial/commercial concerns. Proposals are encouraged from Historically Black Colleges and Universities (as determined by the Secretary of Education to meet requirements of Title III of the Higher Education Act of 1965, as amended (20 U.S.C. § 1061) and from Minority Institutions defined as institutions “whose enrollment of a single minority or a combination of minorities...exceeds 50 percent of the total enrollment.” [20 U.S.C. § 1067k(3) and 10 U.S.C. § 2323(a)(1)(C)].

1.2. Federal laboratories, Federally Funded Research and Development Centers, and academic institutions that are federal government organizations (e.g., Naval Postgraduate School) are not eligible to receive funding from this solicitation.

## **C. Military Recruiting**

1.1. This is to notify potential offerors that each grant awarded under this announcement to an institution of higher education shall include the following term and condition:

“As a condition for receipt of funds available to the Department of Defense under this award, the recipient agrees that it is not an institution of higher education (as defined in 32 Code of Federal Regulations (CFR) Part 216) that has a policy of denying, and that it is not an institution of higher education that effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes: (A) entry to campuses or access to students on campuses; or (B) access to directory information pertaining to students. If the recipient is determined, using procedures in 32 CFR Part 216 to be such an institution of higher education during the period of performance of this agreement, and therefore to be in breach of this clause, the Government will cease all payments of

DoD funds under this agreement and all other DoD grants and cooperative agreements, and it may suspend or terminate such grants and agreements unilaterally for material failure to comply with the terms and conditions of award.” (32 CFR Part 216 may be accessed electronically at <http://www.gpoaccess.gov/cfr/index.html>.)

If your institution has been identified under the procedures established by the Secretary of Defense to implement Section 558 of Public Law 103-337, then: (1) no funds available to DoD may be provided to your institution through any grant, including any existing grant; (2) as a matter of policy, this restriction also applies to any cooperative agreement; and (3) your institution is not eligible to receive a grant or cooperative agreement in response to this solicitation.

1.2. This is to notify potential offerors that if a contract is awarded under this announcement to an institution of higher education it shall include the clause: Defense Federal Acquisition Regulation Supplement (DFARS) 252.209-7005, Reserve Officer Training Corps and Military Recruiting on Campus.

#### **D. Protection of Human Subjects**

1.1. All research under this contract involving human subjects must be conducted in accordance with 32 CFR 219, 10 USC 980, and DoDD 3216.2, as well as other applicable federal and state regulations. Contractors must be cognizant of and abide by the additional restrictions and limitations imposed on the DoD regarding research involving human subjects, specifically as regards vulnerable populations (32 CFR 219 modifications to subparts B-D of 45 CFR 46), recruitment of military research subjects (32 CFR 219), and surrogate consent (10 USC 980). Funded research using human subjects may not begin until the U.S. Army Surgeon General’s Human Subjects Research Review Board (HSRRB) approves the protocol. Written approval to begin research or subcontract for the use of human subjects under the applicable protocol proposed for this award will be issued from the US Army Medical Research and Materiel Command, HSRRB, under separate letter to the funded institution and the Principal Investigator.

1.2. The Principal Investigator will notify the ARO program manager within 24 hours if any of the following occur: 1) the protocol is suspended, 2) a death occurs as a consequence of the research protocol, or 3) a life-threatening adverse event occurs as a consequence of the research protocol.

1.3. By accepting funds under this agreement, the recipient assures that it will comply with applicable provisions of the following national policies concerning the use of human subjects: Common Federal Policy for the Protection of Human Subjects, codified by the Department of Health and Human Services at 45 CFR part 46 and implemented by the Department of Defense at 32 CFR part 219.

1.4. Any proposed modifications or amendments to the approved protocol or consent forms must be submitted to the local IRB and the HSRRB for review and approval. Examples of modifications/amendments to the protocol include but are not limited to:

- (1) a change of the Principal Investigator;
- (2) changes in duration or intensity of exposure to some stimulus or agent;
- (3) changes in the information requested of volunteers, or changes to the use of specimens or data collected; or
- (4) changes in perceived or measured risks or benefits to volunteers that require changes to the study.

1.5. Research pursuant to such modifications or amendments shall not be initiated without IRB and HSRRB approval except when necessary to eliminate apparent and immediate hazards to the subject(s).

1.6. Research projects lasting more than one year require IRB review at least annually, or more frequently as required by the responsible IRB. HSRRB review and approval is required annually. The contractor or subcontractor must provide documentation of continued IRB review of protocols for HSRRB review and approval in accordance with the Contract Data Requirements List. Research must not continue without renewed HSRRB approval unless necessary to eliminate apparent and immediate hazards to the subject(s).

1.7. Non-compliance with any provision of this clause may result in withholding of payments under the contract pursuant to the contract's payments clause(s) and/or contract termination pursuant to the contract's termination clause(s). The government shall not be responsible for any costs incurred for research involving human subjects prior to protocol approval by the HSRRB.

## **E. Animal Use**

1.1. The DoD Directive 3216.1, dated April 17, 1995, provides policy and requirements for the use of animals in DoD-funded research. The DoD definition of animal is any live nonhuman vertebrate. All proposals that involve the use of animals must address DoD compliance with



Directive 3216.1.

1.2. For animals, the provisions include rules on animal acquisition, transport, care, handling, and use in: (i) 9 CFR parts 1-4, Department of Agriculture rules that implement the Laboratory Animal Welfare Action of 1966 (U.S.C. 2131-2156); and (ii) the “Guide for the Care and Use of Laboratory Animals,” National Institutes of Health Publication No. 86-23.

#### **F. Points of Contact**

The contractual point of contact is Mr. Andrew Day, Contract Specialist

EMAIL: andrew.day@us.army.mil

ALL QUESTIONS SHALL BE ADDRESSED VIA EMAIL TO MR. ANDREW DAY.

#### **G. Department of Defense (DoD) Central Contractor Registration (CCR)**

Prospective recipients must be registered in the DoD CCR database prior to award of an agreement. By submission of an offer resulting from this BAA, the offeror acknowledges the requirement that a prospective recipient must be registered in the CCR database prior to award, during performance, and through final payment of any agreement resulting from this BAA. The CCR may be accessed at <http://www.ccr.gov/>. Assistance with registration is available by phone at 1-888-227-2423.

#### **H. Reporting Requirements**

Reporting requirements for contracts and grants awarded under this BAA will be as described in ARO Form 18 located at <http://www.aro.army.mil/forms/forms2.htm> Additional reports, if any, will be specified in the award document.

### **IV. APPLICATION AND SUBMISSION INFORMATION**

#### **A. Proposal Submission and Content**

1.1. Proposals will be accepted from all offerors. Proposals must be submitted electronically and must contain all information specified in Proposal Content below. An electronic proposal must be received at the Army Research Office by 4:00 PM local time on February 15, 2006.

1.2. Proposals must be transmitted to the following address: baa@arl.army.mil. ***Proposals must be submitted in a single PDF formatted file.*** This file will include all volumes of

your technical and cost proposals. The e-mail subject line should contain the following: W911NF-06-R-0002 Proposal.

1.3. The proposal shall contain three electronic forms: (1) ARO Form 51, Proposal Cover Page; (2) ARO Form 99, Summary Proposal Budget; and (3) ARO Current and Pending Support (unnumbered form). See Proposal Content below. These forms may be accessed electronically at <http://www.aro.army.mil/forms/forms2.htm> The fillable PDF forms may be saved to a working directory on your computer and opened and filled in using the Adobe Acrobat software application. The fillable Proposal Cover Page (ARO Form 51) should be printed, signed, and scanned into a PDF file with the proposal.

1.4. If you have questions concerning electronic proposal submission, please contact the Army Research Office at (919) 549-4219. Proposals submitted by facsimile will not be accepted.

1.5. Proposals received after the deadline will be handled in accordance with the provisions detailed in Section IV.C. of this BAA. Acknowledgment of receipt of a proposal under this solicitation will be accomplished via e-mail to the addressee submitting the proposal.

#### 1.6. Proposal Content

The full proposal should be broken down into two volumes: Volume I – Technical Proposal, and Volume 2 – Cost Proposal.

##### Volume I - Technical Proposal

The technical proposal shall not exceed 30 pages. A page is defined as 8 ½ x 11 inches, single-spaced, with one-inch margins, and type not smaller than 12 points. The technical proposal must include the following components:

- a) Cover page. To be eligible for review, proposals must have a completed and signed ARO Form 51 as a cover page (See Section IV.C.1. of this BAA). Under the title, cite, from Section II, the reference paragraph (Basic, Applied or Advanced Research) In Block 2 on the Proposal Cover Page, check “Electronics.” In Block 19 on the Proposal Cover Page, check “Other” and specify “pathogen/toxin concentration systems which can be abbreviated as PTC.” In the upper right corner put in the Solicitation Number W911NF-06-R-0002.
- b) Summary page with the proposal title, the principal investigator(s), institution affiliation and a brief summary/abstract of the proposal (1 page). The summary page must also include the following sentence and the answer: *"Is the proposal submitted from a Federal laboratories, Federally Funded Research and Development Centers or*

*academic institutions that are federal government organizations (e.g., Naval Postgraduate School)?" Answer Yes or No. If yes, note the name of the facility.*

- c) Objective, background and significance. A description of the objective, significance and applicability of the proposed research, appropriate scientific background, and a concise description of the advantages gained from the proposed technology (not to exceed 6 pages).
- d) Work to be performed. A detailed list that describes major tasks and supporting subtasks, expected results of each major task, and how the task will be accomplished (not to exceed 8 pages).
- e) Proposed schedule, milestones, and deliverables – technical and financial reports, data, hardware, software and documentation, as applicable (not to exceed 2 pages).
- f) Summary of qualifications of key personnel (not to exceed 1 page per person).
- g) Describe the facilities available for accomplishment of research objective. Describe the equipment planned for acquisition under this program and its application to the objective. When possible, equipment should be purchased very early in the research award period.
- h) Statement of Current and Pending Support. A statement of current and pending support must be included for each investigator listed in the proposal. Use the ARO Current and Pending Support form to submit this information (See Section IV.C.1. of this BAA). This statement requires that each investigator specify all grants and contracts through which he or she is currently receiving or may potentially receive financial support.

NOTE: Failure to provide the requested information or exceed page limits may render the proposal non-responsive, and the proposal may not be evaluated.

## Volume II – Cost Proposal

The financial portion of the proposal should contain cost estimates sufficiently detailed for meaningful evaluation. Use ARO Form 99, Summary Proposal Budget, to submit budget data for this BAA. For budget purposes, use an award start date of May 1, 2006. The budget must include the total cost of the project, as well as a breakdown of the amount(s) by source(s) of funding (e.g., funds requested under this BAA, non-federal funds to be provided as cost sharing). The cost proposal is not considered part of the page count; there is no page limit for the cost proposal.

Budgeted cost elements should reflect the following:

- a) Time being charged to the project, for whom (principal investigator, graduate students, etc.), and the commensurate salaries and benefits. Allowable charges for graduate students include salary, appropriate research costs, and tuition. Allowable charges for undergraduate students include salary and research training costs, but not tuition.

- b) Cost of equipment, based on most recent quotations and broken down in sufficient detail for evaluation.
- c) Travel costs and time, and the relevance to stated objectives.
- d) Estimate of material and operating costs.
- e) Publication and report costs.
- f) Consultant fees (indicating daily or hourly rate) and travel expenses and the nature and relevance of such costs.
- g) Computer services.
- h) Sub-award costs and type (the portion of work to be sub-awarded and rationale). Include detailed cost summary.
- i) Communications costs not included in overhead.
- j) Other direct costs.
- k) Indirect costs.
- l) Fee, if any, which an industrial/commercial organization proposes.
- m) Facilities Capital Cost of Money: When an offeror elects to claim facilities capital cost of money as an allowable cost, the offeror should submit Form CASB-CMF and show the calculation of the proposed amount. (See FAR 31.205-10.)

NOTE: Failure to provide the requested information may render the proposal non-responsive, and the proposal may not be evaluated.

1.7. (Applicable to large businesses only:) In accordance with FAR 19.702(a)(1), if the total amount of the proposal exceeds \$500,000, a subcontracting plan, and subcontracting goals, for small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business and women-owned small business concerns is required to be submitted with your proposal. It is the policy of the Government to enable small business and small disadvantaged business concerns to be considered fairly as subcontractors to contractors performing work or rendering services as prime contractors or subcontractors under Government contracts, and to assure that prime contractors and subcontractors carry out this policy. The plan format is outlined in FAR 19.704.

## **B. Marking of Proposal and Disclosure of Proprietary Information Outside the Government**

1.1 The proposal submitted in response to this solicitation may contain technical and other data that the offeror does not want disclosed to the public or used by the Government for any

purpose other than proposal evaluation. Public release of information in any proposal submitted will be subject to existing statutory and regulatory requirements. If proprietary information which constitutes a trade secret, proprietary commercial or financial information, confidential personal information, or data affecting the national security, is provided by an offeror in a proposal, it will be treated in confidence, to the extent permitted by law, provided that the following legend appears and is completed on the front of the proposal: "For any purpose other than to evaluate the proposal, this data shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part, provided that if an award is made to the offeror as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use or disclose the data to the extent provided in the agreement. This restriction does not limit the right of the Government to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction is contained in page(s) \_\_\_\_ of this proposal." Any other legend may be unacceptable to the Government and may constitute grounds for removing the proposal from further consideration without assuming any liability for inadvertent disclosure. The Government will limit dissemination of properly marked information to within official channels. In addition, the pages indicated as restricted must be marked with the following legend: "Use or disclosure of the proposal data on lines specifically identified by asterisk (\*) are subject to the restriction on the front page of this proposal." The Government assumes no liability for disclosure or use of unmarked data and may use or disclose such data for any purpose.

- 1.2. In the event that properly marked data contained in a proposal submitted in response to this BAA is requested pursuant to the Freedom of Information Act, 5 USC 552, the offeror will be advised of such request and, prior to such release of information, will be requested to expeditiously submit to ARO a detailed listing of all information in the proposal which the offeror believes to be exempt from disclosure under the Act. Such action and cooperation on the part of the offeror will ensure that any information released by ARO pursuant to the Act is properly determined.
- 1.3. By submission of a proposal, the offeror understands that proprietary information may be disclosed outside the Government for the sole purpose of technical evaluation. The ARO/RDECOM Acquisition Center will obtain a written agreement from the evaluator that

proprietary information in the proposal will only be used for evaluation purposes and will not be further disclosed or utilized.

### **C. Late Submissions and Withdrawal of Proposals**

- 1.1. Offerors are responsible for submitting electronic proposals so as to reach the Government office designated in this BAA by the time specified in this BAA.
- 1.2. If the electronic proposal is received at the Government office designated in this BAA after the exact time and date specified for receipt of offers, it is "late" and will not be considered unless it was received at the initial point of entry to the Government infrastructure not later than 4:00 PM local time one working day prior to the date specified for receipt of proposals.
- 1.3. Acceptable evidence to establish the time of receipt at the Government office includes documentary evidence of receipt maintained by the installation.
- 1.4. If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation closing date, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.
- 1.5. Proposals may be withdrawn by written notice received at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

## **V. EVALUATION CRITERIA AND SELECTION PROCESS**

The proposal selection process will be conducted based upon a technical peer review as described in Federal Acquisition Regulation Subparts 6.102(d)(2) and 35.016 and DOD Grant and Agreement Regulations (DOD 3210.6-R (DODGARS), Section 22.315. All information necessary for the review and evaluation of the proposal must be contained in the proposal submissions as described in Sections IV of this BAA.

### **A. Proposal Evaluation.**

The scientific peer review of proposals against established criteria for determination of scientific merit. These reviews provide unbiased, expert advice on the scientific and technical merit of proposals. To be eligible for an award of a research agreement, proposals submitted in response to this BAA will be evaluated using the following factors (in descending order of importance):

1. The overall scientific and/or technical merits of the proposal.
2. The potential contributions of the effort to the Army mission and the extent to which the research effort will contribute to balancing the overall Army/ARO/ECBC and Chemical Biological Defense research program.
3. The offeror's capabilities, related experience, facilities, techniques, or unique combinations of these, which are integral factors for achieving the proposed objectives.
4. The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or other key personnel who are critical to achievement of the proposed objectives.
5. The offeror's record of past performance.
6. The reasonableness and realism of proposed costs, any fee, and the availability of funds.

## **VI. INFORMATION TO BE REQUESTED FROM SUCCESSFUL OFFERORS**

**A.** Offerors whose proposals are accepted for funding will be contacted before award to provide additional information required for award. This may include representations and certifications, revised budgets or budget explanations, certificate of current cost or pricing data, subcontracting plan for small businesses, and other information as applicable to the proposed award.

### **B. Contractor Man-hour Reporting:**

All contract awardees are required to report all manpower, including Subcontractor manpower required for performance of the contract. Contractors will be required to fill out the information in the format required using this web site address: <https://contractormanpower.army.pentagon.mil>

## **VII. CERTIFICATIONS REQUIRED FOR GRANT AWARDS**

### **A. Certification at Appendix A to 32 CFR Part 28 Regarding Lobbying:**

By signing and submitting a proposal that may result in the award of a grant exceeding \$100,000, the prospective awardee is certifying, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**B. Certification at Appendix A to 32 CFR Part 25 Regarding Debarment, Suspension, and Other Responsibility Matters --Primary Covered Transactions**

(1) By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

(2) The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or



explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

(3) The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

(4) The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(5) The terms “covered transaction,” “debarred, suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

(6) The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

(7) The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

(8) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may be, but is not, required to check the List of Parties excluded from Federal Procurement and Nonprocurement Programs.

(9) Nothing contained in the foregoing shall be construed to require establishment of a system or records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(10) Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

### **C. Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions**

The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the prospective primary participant is unable to certify to any of the statements in this certification such prospective participant shall attach an explanation to this proposal.

#### **D. Certification at Appendix C to 32 CFR Part 25 Regarding Drug-Free Workplace Requirements**

(1) By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

(2) The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

(3) For grantees other than individuals, Alternate I applies.

(4) For grantees who are individuals, Alternate II applies.

(5) Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

(6) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

(7) If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

(8) Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules;

Controlled substance means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

### **Certification Regarding Drug-Free Workplace Requirements (Alternate I - Grantees Other Than Individuals)**

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about--

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

Employers of convicted employees must provide notice, including position title, to every grants officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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Check if there are workplaces on file that are not identified here.

**(Alternate II - Grantees Who Are Individuals)**

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing within 10 calendar days of the conviction, to every grants officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

**VIII. CERTIFICATIONS REQUIRED FOR CONTRACT AWARDS**

Certifications and representations shall be completed by all successful commercial and industrial offerors prior to award. Federal Acquisition Regulation (FAR) Online Representations and Certifications Application (ORCA) is at website <http://orca.bpn.gov>. Defense FAR Supplemental and contract specific certification packages will be provided to the contractor for completion prior to award.